

Remarks

In view of the foregoing amendments and the following remarks, favorable reconsideration and withdrawal of the rejections set forth in the final Office Action dated October 30, 2007, are respectfully requested.

Claims 1-3, 5-14, 17 and 18 are pending in this application, of which Claims 1, 10-14, 17 and 18 are independent. Claims 1, 2, 3, 5, 8-14, 17 and 18 have been amended. Support for the claim changes can be found in the original disclosure, for example, in FIG. 3 (features S306 and S310). Therefore, no new matter has been added.

Claims 1, 2, 6, 7, 9-14, 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,002,878 (*Gehman et al.*) in view of U.S. Patent No. 6,347,202 (*Shishizuka et al.*).

Claims 3 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gehman et al.* in view of *Shishizuka et al.* and U.S. Patent No. 5,566,084 (*Cmar*).

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gehman et al.* in view of *Shishizuka et al.* and U.S. Patent No. 6,795,829 (*Alsop et al.*).

These rejections are respectfully traversed. Nonetheless, Applicant has amended each of independent Claims 1, 10-14, 17 and 18 to recite that the operation time data is counted during operation of the image processing apparatus, further clarifying this feature of the present invention. Applicant submits that this recitation would not require any further search, as the claims submitted previously are believed to be allowable over the cited art for at least the following reasons.

Gehman et al. teaches estimating processor power consumption based on power and energy of the processor. Referring to the section cited in the Office Action, namely, column 3, lines 44-50, that section reads:

Process 54, through computer system 58, estimates average operation power 74 (FIGS. 4A and 4B) and operation energy 76 (FIG. 4B) for each operating instruction 38, as well as total routine energy 78 (FIG. 4A). Average operation power 74 is the average power consumption (energy consumed per unit of time) of processor 22 for a given operating instruction 38.

Therefore, *Gehman et al.* does not relate to actual power consumption amount, but rather an estimation. Accordingly, this reference fails to teach or suggest at least storing, calculating, or reading out a power consumption amount per unit time for each operation mode and operation time data for each operation mode, as recited in independent Claims 1, 10, 12, 13, 17 and 18. Nor is this reference understood to teach or suggest timing operation time data from a start to an end of a predetermined operation mode as an intermittent operation time corresponding to job execution scheduling according to other operation modes, as generally recited in independent Claims 11 and 14. Moreover, the newly-recited feature that the operation time data is counted during operation of the image processing apparatus further distinguishes each independent claim from *Gehman et al.*

Shishizuka et al. discloses an image processing apparatus having a plurality of modes. The image processing apparatus has a function of analyzing power consumption, but this power consumption only relates to instantaneous power consumption. *Shishizuka et al.* is not understood to execute time-integral operation of the instantaneous power consumption either. *Shishizuka et al.* only determines whether power

consumption exceeds a predetermined value when a job start key is pressed, and executes the job if the power consumption does not exceed the predetermined value. In other words, *Shishizuka et al.* is simply directed to processing that prevents the power consumption from exceeding a predetermined power limit. Accordingly, *Shishizuka et al.* cannot compensate for the above-noted deficiencies with respect to *Gehman et al.*

Cmar, relied upon in the Office Action for teaching specifying a user or a using department which uses the image-processing apparatus, and *Alsop et al.*, relied upon for teaching an output means sending statistic information to a terminal apparatus external to the image processing apparatus as a markup language, have also been reviewed, and are also not understood to compensate for the above-noted deficiencies with respect to *Gehman et al.* and *Shishizuka et al.*

For the foregoing reasons, Applicant respectfully submits that the present invention is patentably defined by independent Claims 1, 10-14, 17 and 18. Dependent Claims 2, 3, and 5-9 are also patentable by virtue of their dependencies on an allowable claim, as well as for the additional features they recite. Individual consideration of the dependent claims is requested.

Applicant submits that this Amendment After Final Rejection clearly places the subject application in condition for allowance. This Amendment was not presented earlier, because Applicant believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of the instant Amendment, as an earnest attempt to advance prosecution and reduce the number of issues, is requested under 37 C.F.R. § 1.116.

Applicant submits that this application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action, and an early Notice of Allowability are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Ann M. McCamey/

Ann M. McCamey
Attorney for Applicant
Registration No. 57,016

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
AMM/kdm

FCIS_WS 1943894v1